REMARKS

Claims 2-10, 12-20, and 22-24 have been canceled without prejudice to further prosecution. New Claims 25-37 have been added. Support for the new claims can be found at least in the originally filed Claims and in paragraphs 101-103 of the published application. Applicant respectfully requests reconsideration of the rejections in light of the amendments and the following remarks. Claims 25-37 are currently pending.

Discussion of Claim Objections

In the Office Action, Claim 14 is objected to as containing certain informalities. Without necessarily agreeing with the merits of the objections, Claim 14 has been canceled, rendering the objection moot.

Discussion of Claims Rejected Under 35 U.S.C. § 112 ¶ 2

In the Office Action, Claim 23 is rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite. Without necessarily agreeing with the merits of the rejections, Claim 23 has been canceled, rendering the rejection moot.

Discussion of Claims Rejected Under 35 U.S.C. § 101

In the Office Action, Claim 20 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Without necessarily agreeing with the merits of the rejections, Claim 20 has been canceled, rendering the rejection moot.

Discussion of Claims Rejected Under 35 U.S.C. § 103(a)

Claims 2-7, 9, 10, 12, 14-17, and 19-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Golightly, *et al.* (U.S. Patent Pub. No. 2003/0046130) in view of Sanders (U.S. Patent No. 6,574,605). In addition, Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Golightly, *et al.* (U.S. Patent Pub. No. 2003/0046130) in view of Sanders (U.S. Patent No. 6,574,605) and Davies *et al.* (U.S. Patent Pub. No. 2003/0033191), and Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Golightly, *et al.* (U.S. Patent Pub. No. 2003/0046130) in view of Sanders (U.S. Patent No. 6,574,605) and Buchan *et al.* (U.S. Patent No. 7,584,165). Without necessarily agreeing with the merits of the rejections,

Applicant respectfully submits that the rejected claims have been canceled, rendering the rejections moot.   \

Discussion of Patentability of the New Claims

Applicant respectfully submits that the cited art does not individually or collectively disclose the combination of elements recited in new Claim 25. For example, the cited art does not disclose a computer system, comprising: "at least one computer configured to: from one or more external sources, receive a continuous stream of event data for at least one of the metrics, wherein the event data is transmitted to and received by the at least one computer independent of a request from the computer, in response to each received event data, calculate with the computer an actual value for at least one metric based at least in part on the event data, wherein the actual value is calculated based on a sliding time window, in response to each received event data, automatically calculate with the computer an expected value for the at least one metric, wherein the expected value is calculated based on the sliding time window, compare the expected value with the actual value, and determine whether to generate an alert or action based on the comparison of the expected value and the actual value."

Golightly discusses updating and optimizing decision models based on new data. See Golightly paragraph 77. However, Golightly and the other references are silent as to, in response to each received event data, automatically calculating the metric and an expected value for the metric based on a sliding window, and comparing the expected value with the actual value to determine whether to generate an alert or action.

Furthermore, Applicant respectfully submits that the system of Golightly does not teach "in response to each received event data, automatically calculate with the computer an expected value for the at least one metric." Golightly [0046] states "if a value or change in value in an element of the input information matches one or more criteria, the system may retrieve the element, and update one or more of the dynamic models..." Accordingly, the system of Golightly conditionally updates dynamic models, but does not automatically calculate an expected value for the at least one metric in response to each received event data.

Accordingly, at least for these reasons, Applicant respectfully submits that Claim 25 overcomes the cited art and is, therefore, in condition for allowance. In addition, Applicant respectfully submits that Claim 36 is also in condition for allowance at least because of reasons

similar to those discussed above with regard to Claim 25. In addition, Applicant respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.
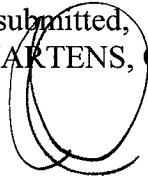
Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

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